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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

April 1, 1997

OUR FILE NO.
0713-101-63

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: MM Docket No. 97-35
RM-8900
Calhan, Colorado

Dear Mr. Caton:

Transmitted herewith, on behalf of Pueblo Broadcasters, Inc., is an original and four (4) copies of its Reply Comments in the above-referenced rulemaking proceeding.

Kindly communicate any questions concerning this matter directly to this office.

Very truly yours,


Rafael G. Prohias

Enclosures (5)

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Before The
Federal Communications Commission

Washington, D.C. 20554

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APR - 1 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter Of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
Calhan, Colorado

MM Docket No. 97-35
RM-8900

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**Reply Comments
of Pueblo Broadcasters, Inc.**

By Petition for Rulemaking filed October 3, 1996, Calhan Radio Company ("Calhan"), requested the Commission allot Channel 280A to Calhan, Colorado, as that community's first local aural transmission service. In response, the Commission released a *Notice of Proposed Rulemaking* ("NPRM"), soliciting the submission of comments by March 17, 1997, and reply comments by April 1, 1997. See NPRM, MM Dkt. 97-35, RM-8900, DA 97-0100.

On March 17, 1997, Pueblo Broadcasters, Inc., licensee of KYZX(FM), Pueblo, Colorado ("PBI"), filed Comments and a Counterproposal in the above-referenced proceeding, requesting that the Commission allot Channel 284A to Calhan, Colorado, in lieu of Calhan's

proposal to allot Channel 280A.¹ PBI, through counsel, hereby incorporates by reference its March 17 Comments and Counterproposal, and submits its Reply Comments in the above-referenced proceeding.

Simply stated, the record before the Commission clearly demonstrates that PBI's Counterproposal is superior to Calhan's proposal. PBI's Counterproposal would result in both the Pueblo West and Calhan communities receiving their first local aural transmission service. Moreover, PBI's Counterproposal would provide such service to a greater number of listeners in both Pueblo West and Calhan. An additional 50,802 listeners in Pueblo West, and an additional 2,073 listeners in Calhan, would receive their first local aural transmission service under PBI's Counterproposal — a 10 percent and 37 percent increase from Calhan's proposal, respectively. Indeed, PBI's Counterproposal would provide greater coverage to Calhan's own proposed community of license.²

¹ PBI also requested, in connection with a concurrent Petition for Rulemaking filed August 15, 1996 ("Petition"), and Counterproposal subsequently filed on January 7, 1997 ("Counterproposal"), that the Commission substitute Channel 283A for Channel 280A at Canon City, Colorado, and allot Channel 283C1 to Pueblo West, Colorado. See *NPRM*, MM Dkt. 96-232, RM-8868, DA 96-1865 ("Pueblo West Rulemaking"). PBI hereby incorporates by reference its Petition and subsequent Counterproposal filed in the Pueblo West Rulemaking, in the instant rulemaking proceeding.

² PBI's Counterproposal also would allow radio station KSTY(FM), Canon City, Colorado to improve to maximum 6.0 kilowatt equivalent Class A facilities, thus resulting in an increase of 4,444 persons in 1,790.4 square miles. As noted in PBI's Comments, PBI and KRLN, Inc., licensee of KSTY(FM), have entered into an agreement whereby KRLN, Inc. has consented to the change in frequency and site relocation of KSTY(FM) as proposed by PBI. PBI hereby reaffirms its commitment to reimburse KRLN, Inc. for the costs incurred by KRLN, Inc. in changing the

Grant of PBI's Counterproposal is therefore in the public interest, as it is a "win-win" proposition for all interested parties in both the Pueblo West and Calhan rulemaking proceedings, and would result in a preferential arrangement of allotments, in furtherance of the Commission's well-settled allotment priorities. Calhan has submitted no evidence or data in the record to suggest otherwise.³

PBI hereby reaffirms its commitment — if the Commission amends the FM Table of Allotments pursuant to PBI's Counterproposal as requested herein — to promptly file an application for modification of its license, construct the modified facilities, place those facilities in operation, and seek a license covering the Pueblo West facility. Accordingly, PBI respectfully requests the Commission dismiss Calhan's proposal, and adopt the following amendment to the FM Table of Allotments:

KSTY(FM) frequency and transmitter site as set forth in the agreement between PBI and KRLN, Inc.

³ Indeed, Calhan stands alone in supporting an allotment of Channel 280A to Calhan. The only other party to this proceeding — Buddy Tucker Association — endorses PBI's proposed allotment of Channel 284A in lieu of Calhan's proposed allotment of Channel 280A, and has expressed an interest in applying for Channel 284A in Calhan, if such an allotment is ultimately adopted by the Commission. *See Comments of Buddy Tucker Association*, MM Docket No. 97-35, RM-8900 (March 7, 1997).

City	Present Allotment	Proposed Allotment
Pueblo, Colorado	245C, 255C, 260C, 264C, 283C2, 296C2, 300C1	245C, 255C, 260C, 264C, 296C2, 300C1
Pueblo West, Colorado	None	280C1
Canon City, Colorado	280A	283A
Calhan, Colorado	None	284A

Respectfully submitted,

PUEBLO BROADCASTERS, INC.

By: 

John M. Pelkey

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Its Attorneys

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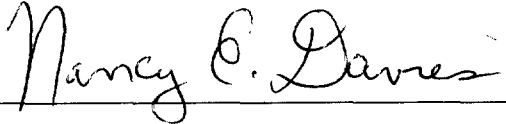
April 1, 1997

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

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April 1, 1997